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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,584

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Yannis Labrou

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EXAMINER

LEVINE, ADAM L

ART UNIT

PAPER NUMBER

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/628,584

Applicant(s)

LABROU ET AL.

Examiner

Adam Levine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20 February 2007</u> + <u>12/27/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicants have filed amendments and remarks dated December 27, 2006, in response to the office action mailed September 27, 2006. The response included amendments to specification paragraphs 0003-0004, 0026, 0176, 0383, 0283, and 0577. The response also included amendments to claims 1-31. Claims 1-31 are pending and considered in this office action.

Pertaining to rejections under 35 USC §112, second paragraph, in the previous action

Rejection of claims 3,4,10,19 and 21 are withdrawn in light of the amendments to those claims.

Response to Arguments

Pertaining to objection to the drawings in the previous office action

The objection to the drawings is maintained. It is noted however that the source of the problem is not in the drawings but in the brief description. This was noted in the previous office action but the applicants have not understood the objection. In addition, applicants have explained a clarifying amendment to specification paragraph 0055, but this amendment was not included in the document filed December 27, 2006.

The brief description describes reference character 102 as "computing device." This is not only inconsistent with the drawing but also inconsistent with its description in the rest of the specification as noted in applicants' response. While the examiner

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understands that the device may in fact be a computing device, there is a purpose behind having drawing figures and a brief description of the drawings and this purpose is not served by inconsistent and vague terminology. With regard to characters 104, 105, and 136, applicants are advised to review the brief description and note that, while the figures include each reference character designating related parts with subtle differences, the brief description uses reference character 104 to refer to all three elements.

Pertaining to claim objections in the previous office action

The previous claims were objected to because a claim that depends from a dependent claim should not be separated by any claim that does not also depend from said dependent claim. Applicants argue that the operative word is "should" and that this is not a requirement of 37 CFR 1.75. Applicants are correct that in general applicants' sequence will not be changed, however, applicants should note the full explanation of the matter:

"A claim which depends from a dependent claim should not be separated therefrom by any claim which does not also depend from said "dependent claim." It should be kept in mind that a dependent claim may refer back to any preceding independent claim. ***These are the only restrictions with respect to the sequence of claims and***, in general, applicant's sequence should not be changed."

See MPEP § 608.01(n)IV (emphasis added)." This suggests that these are the only restrictions with respect to the sequence of claims that would justify changing the sequence and that other than these restrictions the sequence will not be changed.

Regardless whether applicants deign to modify their claim order or numbering this objection was made to give notice that in the event this application is ultimately

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allowed the claims will be appropriately renumbered if the problem persists. Although the claim dependencies have been significantly altered in the current amendments, this issue is still present in the application and therefore the objection is maintained.

Pertaining to rejection under 35 USC §112, first paragraph, in the previous office action

Applicant argues that the statement, "manually discovering one or more merchant devices," by itself enables one skilled in the art to perform the step of manually discovering one or more merchant devices "because one skilled in the art would know how to implement a 'manual discovery' by providing a user interface for a user entering the merchant device network ID." (See Applicant Remarks, December 27, 2006, page 19.) It is noted that providing a user interface for a user entering the merchant device network ID also does not appear in the specification. The test is whether one of ordinary skill in the art would have known that this aspect of the invention were present and how this aspect was to be performed upon reading the specification. The fact that one skilled in the art would know how to perform this step in general does not provide one skilled in the art with sufficient information to know how the step is intended to be performed in the claimed invention, and certainly not without undue experimentation where there may be any number of ways that it could be achieved, and where no guidance is given as to how it is achieved in the present application.

Pertaining to rejection under 35 USC §102 in the previous office action

Applicant's arguments, see Remarks, pages 20-21, filed December 27, 2006, with respect to the rejection(s) of claim(s) 1 under 35 USC §102(e) have been fully

considered and are persuasive in light of amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Goldstein (Paper # 20060918; US Pat.No. 6,957,334) and Johnson (US Patent No. 6,529,885).

Pertaining to rejection under 35 USC §103 in view of Official Notice in the previous office action

The applicants did not traverse the examiner's assertion of official notice. The statements regarding features old and well known in the art and art recognized equivalents are taken to be admitted prior art because applicant did not traverse or adequately traverse the examiner's assertion of official notice (MPEP 2144.03(C)).

Information Disclosure Statement

The information disclosure statement received April 6, 2007 is acknowledged, however, at the time of the completion of this office action said information disclosure statement was unavailable for review by the examiner. It has therefore not been considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters 102, 104, 105, and 136 in Figures 1-4 have been used to designate different parts with the same numbers. This may be due to discrepancy with part names used in the Brief Description. Corrected drawing sheets in compliance with

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37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim that depends from a dependent claim should not be separated by any claim that does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n). It is noted that dependent claim 19 depends from dependent claim 9 but is separated therefrom by claims 16-18. Claims 16-18 do not depend from dependent claim 9. Claim 21 depends from dependent claim 14 but is separated therefrom by claims 15-20. Claims 15-20 do not depend from claim 14. Multiple dependent claims 28 and 29 depend from dependent claims 9, 19 and 21 but are separated therefrom by claims 16-18. Claims 16-18 do not depend from claims 9, 19, or 21. Multiple dependent claim 31 depends

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from dependent claims 21-27 but is separated from them by claims 28-30. Claims 28-30 do not depend from any of claims 21-27.

Claim 1 is objected to because of the following informalities: there is a word repetition error in line 13 ("views of the of the purchasing agreement"). Appropriate correction is required. Also in claim 1 and consequently throughout the claims, it is never clearly stated that the acronym "STS" is an abbreviation of "Secure Transaction Server." This is understood for purposes of examination, but appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for "discovering comprising automatically scanning the wireless network," does not reasonably provide enablement for "manually discovering one or more merchant devices." The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. The specification is not enabling for "manually discovering one or more merchant devices" because in the context of the disclosure of the method, how the one or more merchant devices would be manually discovered is not described in such a way that would enable a person of

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ordinary skill in the art to understand the way the manual discovery of the one or more merchant devices is accomplished within the context of using the method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (Paper # 20060918; US Pat.No. 6,957,334) in view of Johnson (US Patent No. 6,529,885).

Goldstein teaches a method for conducting a purchasing agreement for goods and services between a consumer and a merchant through a trusted third party and using a wireless network. Goldstein further teaches:

- generating by the consumer a first consumer view of the purchasing agreement:
transmitting the first consumer view of the purchasing agreement to the third party, generating independently by the merchant a second merchant view of the agreement, transmitting the second merchant view of the agreement to the third party, receiving by the third party comprising a Secure Transaction Server the consumer view of the purchasing agreement and the merchant view of the purchasing agreement (see at least abstract, column 2 line 46 – column 3 line 3,

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lines 45-58. Please note: generating an independent view is not the same as generating an independent agreement).

- purchasing agreement includes: ordering of and paying for a good and/or a service as a purchase, the good is a physical good (see at least abstract. Please note: commercial transactions involve the ordering of and paying for a good and/or service).
- conducting the purchase using a local wireless communication network: between a consumer mobile device and a merchant device and encrypting parts of the consumer and merchant views communicated among the consumer mobile device, the merchant device, and the third party STS using a Secure Transaction Protocol (see at least column 2 line 9- column 3 line 32, column 5 lines 17-41); discovering by the consumer mobile device the merchant device via the wireless local communication network, connecting by the consumer mobile device to the merchant device via the wireless local communication network, obtaining by the consumer mobile device a list of available merchants and contact information to be displayed on the mobile device and selecting a merchant for the purchase based upon the displayed list of merchants (see at least figs. 1-3, column 2 lines 9-18, 46-60; column 3 lines 45-50); selecting by the consumer using the consumer mobile device the good and/or the service to be purchased, selecting by the consumer the good or service from a list of goods and/or services of the merchant presented by the consumer mobile device, inputting to the retail application to arrive at an intended list of goods and/or

services for the purchase from the selected merchant through ordering or other physical means provided by the merchant including scanning, and providing by the merchant through the retail application an accumulated purchase price of the selected goods and/or services, sending by the consumer an explicit generate-purchase-order to the merchant, creating by the merchant a purchase order corresponding to the purchasing agreement and sending the purchase order to the consumer wherein the first consumer view and the second merchant view are generated based upon the purchase order (see at least fig.1, column 2 lines 10-25; column 3 lines 40-50, column 5 lines 17-41, column 8 lines 45-51); obtaining a purchase order from the merchant containing detail information of the purchase and authorizing by the consumer using the consumer mobile device payment to the merchant for the good and/or the service through the third party STS, transmitting by the consumer mobile device a request for the purchase order for the purchase to the merchant device, preparing by the merchant device the purchase order with the purchase detail information including pricing and transmitting the purchase order to the consumer device, upon receiving the purchase order by the consumer device, authorizing by the consumer mobile device a payment for the purchase order wherein the first consumer view and the second merchant view are generated based on the purchase order (see at least fig.1, column 2 lines 15-25); automatically scanning the wireless network or manually discovering one or more merchant devices and the consumer then selecting one of the merchant devices from a list of the discovered merchant

devices presented by the consumer mobile device, connecting the consumer mobile device to the selected merchant device through the wireless local communication network, directing by the consumer the consumer mobile device to establish a wireless communication using the contact information of the selected merchant and accessing by the consumer mobile device a retail application of the merchant device (see at least figs. 1-3, column 2 lines 9-18, 46-60; column 3 lines 33-58, column 5 lines 56-60, column 7 lines 15-24).

- third party STS returns a token: as receipt of payment that is presented by the consumer to the merchant to obtain the purchase at a later time, the third party STS causes a consumer token to be sent to the consumer by the merchant as a proof of the payment presented by the consumer when the service is activated or consumed, or the good is received (see at least column 2 lines 52-60, column 4 lines 5-8); creating and sending by the consumer mobile device a consumer request-token request for the consumer token to the merchant device, generating by the merchant device the consumer token and sending to the consumer mobile device the consumer token representing an unvalidated payment for the good and/or the service (see at least column 1 lines 36-45, column 2 line 46-column 3 line 22, column 4 line 55 – column 5 line 11).
- an encrypted version of the consumer token received by the consumer mobile device: sent by the consumer mobile device as acknowledgement to the merchant device, requesting by the merchant device a merchant token certificate from the third party STS using the encrypted consumer token, generating by the

- third party STS the merchant token certificate and transmitting the merchant token certificate to the merchant device, presenting by the consumer the consumer token to the merchant upon consumption of the service and/or receipt of the good (see at least column 2 line 23-column 3 lines 3, 33-58; column 4 lines 13-37, column 6 lines 12-60); sending by the consumer mobile device a consumer payment request-authorization-with-token request to the third party STS containing an encrypted version of the consumer token, authorizing by the merchant device the purchase by sending a merchant request-authorization-with-token to the third party STS including account the merchant account selection (see at least column 2 line 23-column 3 lines 3, 33-58; column 4 lines 13-37, column 6 lines 12-60); causing by the third party STS, the payment from the consumer account to the merchant account if details of the consumer request payment authorization and the merchant purchase authorization are verified (see at least column 2 lines 8-42, column 7 line 36-column 8 line 4).
- creating a third party STS version of the PO based upon the merchant PO: as a STS-PO, transmitting by the third party STS the STS-PO to the merchant device, and transmitting by the merchant device the STS-PO to the consumer mobile device as a positive registered merchant verification (see at least column 2 line 46 – column 3 line 22, column 3 line 33-column 4 line 37, column 7 line 36-column 8 line 51); issuing by the consumer mobile device the merchant verification transaction including the merchant information and merchant device identifier to the merchant device, forwarding by the merchant device to the third

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party STS the merchant information and the merchant device identity, verifying by the third party STS the merchant information and the merchant device, returning by the third party STS a merchant verification response to the merchant device for forwarding to the consumer mobile device (see at least column 2 line 46 – column 3 line 22, column 3 line 33-column 4 line 37, column 7 line 36-column 8 line 51).

- indicating by the consumer intent to authorize payment: for the purchase order via a command entered into the consumer mobile device (see at least column 2 lines 9-42, column 3 lines 33-58); upon receiving the command and a positive result of the merchant verification from the third party STS, the consumer mobile device indicating the intent to authorize payment by transmitting the intent to the third party STS via the merchant device (see at least column 2 lines 9-42, column 7 line 35 – column 8 line 4); indicating by the merchant device intent to authorize acceptance of the payment and transmitting the consumer intent and the merchant intent to the third party STS (see at least abstract, column 2 line 46 – column 3 line 22).
- interacting by the third party STS: with a payment service to cause transfer of funds or commitment for transfer of funds from the consumer to the merchant upon receiving by the third party STS the payment authorization from the consumer mobile device and the payment acceptance authorization from the merchant device, and upon completion of the transfer of funds transmitting by the

third party STS a confirmation to the consumer and the merchant (see at least column 3 line 33 – column 4 line 12).

- providing consumer private identification entry: by the consumer to the consumer mobile device, requesting by the consumer mobile device a consumer request transaction preauthorization from the third party STS based upon the purchase order and the consumer PIE, issuing a payment request authorization to the third party STS including the consumer account selection based upon the purchase order and consumer PIE, providing by the merchant merchant private identification entry to the merchant device, sending by the merchant device a merchant request-transaction to the third party STS based upon the purchase order and the merchant PIE (see at least abstract, figs. 1,3; column 1 lines 35-45, column 2 lines 9-42, column 5 line 56-column 6 line 11); responding by the third party STS positively to the consumer mobile device and to the merchant device if details of the consumer request transaction preauthorization and merchant request transaction are verified, including a listing of accounts for the consumer mobile device (see at least abstract, column 2 line 46 – column 3 line 3, column 5 line 56-column 6 line 11, column 7 line 36-column 8 line 4); authorizing, by the consumer mobile device the payment to the third party STS including a consumer account selection by sending a consumer payment authorization, authorizing by the merchant device the purchase to the third party STS including a merchant account selection by sending a merchant authorization, causing by the third party STS, the payment from the consumer account to the selected

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merchant account if details of the consumer payment authorization and the merchant purchase authorization are verified, responding by the third party STS to the merchant and the consumer with results of the payment (see at least column 2 lines 8-42, column 7 line 36-column 8 line 4).

Goldstein teaches all the above and teaches a) verifying the identity of the consumer by the third party STS, b) verifying the agreement based on the consumer and merchant views of the agreement, c) identifying products or services ordered through generation of purchase orders, and d) transmission of purchase orders to a trusted third party authenticator, but does not disclose

- Verifying by the third party STS identities of the merchant: and the consumer based upon the consumer and merchant views of the purchasing agreement; verifying by the third party STS the purchasing agreement by verifying details of the independently generated consumer and merchant views of the purchasing agreement are consistent with each other; taking action by the third party STS to execute the purchasing agreement based upon the verified purchasing agreement.
- requesting by the consumer mobile device verification of the merchant device: by the third party STS before the transmitting of the purchase order request to the merchant device, after the merchant device transmits the purchase order to the consumer device (see at least abstract, column 2 line 46 – column 3 line 22).

Johnson teaches a) verifying the identity of the consumer by the third party STS, b) verifying the agreement based on the consumer and merchant views of the agreement, c) identifying products or services ordered through generation of purchase orders, and d) transmission of purchase orders to a trusted third party authenticator, and also teaches:

- Verifying by the third party STS identities of the merchant: and the consumer based upon the consumer and merchant views of the purchasing agreement (see at least abstract, figs.1B-2,5; column 4 lines 13-30,51-column 5 line 35); verifying by the third party STS the purchasing agreement by verifying details of the independently generated consumer and merchant views of the purchasing agreement are consistent with each other (see at least abstract, column 4 lines 13-30, column 5 line 65 – column 6 line 13, column 20 line 56 – column 21 line 34, column 23 lines 5-49); taking action by the third party STS to execute the purchasing agreement based upon the verified purchasing agreement (see at least abstract, fig.2, column 4 lines 13-30, column 12 line 27 – column 13 line 24).
- requesting by the consumer mobile device verification of the merchant device: by the third party STS before the transmitting of the purchase order request to the merchant device, after the merchant device transmits the purchase order to the consumer device (see at least abstract, column 4 lines 13-30,51-column 5 line 35).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Goldstein to include the above described features authenticating the merchant and agreement using views of the agreement, upon request by the consumer, and taking action to execute the verified agreement, as taught by Johnson, in order to provide transaction security to the consumer as well as the merchant, thereby attracting greater commerce using the method.

3. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (Paper # 20060918; US Pat.No. 6,957,334) in view of Johnson (US Patent No. 6,529,885), and further in view of Official Notice (regarding merchant advertisement or directory service).

Goldstein teaches all of the above as noted under the 102(e) rejection and teaches a) verifying consumer identity and authorization to perform transaction, b) consumer selecting merchant for contacting in order to pursue a transaction, and c) selecting merchants products or services for purchase, but does not disclose the consumer mobile device obtaining the merchant legal name and address from a merchant device advertisement or a directory service via the wireless network. The examiner takes the position that it is old and well known in the art for a consumer mobile device to obtain the merchant legal name and address from a merchant device advertisement or a directory service via the wireless network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system and method of Goldstein to disclose a consumer mobile device obtaining a

merchant legal name and address from a merchant device advertisement or a directory service via the wireless network as taught by Official Notice, in order to allow the consumer to select a merchant and thereby facilitate the initiation of the commercial transaction disclosed by the system and method.

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (Paper # 20060918; US Pat.No. 6,957,334) in view of Johnson (US Patent No. 6,529,885), and further in view of Official Notice (art recognized equivalents).

Goldstein teaches all of the above as noted under the 102(e) rejection and teaches a) identifying products or services ordered through generation of purchase orders, b) transmission of purchase orders to a trusted third party authenticator, c) generation of tokens to indicate authorization of purchase, d) merchant using the token to verify the consumer purchase and making delivery of the purchased item, and e) encrypting the token for added security, but does not disclose converting by the consumer mobile device the consumer token to a barcode and displaying the consumer token represented as the barcode on a display of the consumer mobile device, scanning by the merchant device the barcode, converting the barcode to the consumer token and validating the consumer token. It would have been obvious to one having ordinary skill in the art at the time of the invention to use either a token or a barcode interchangeably to identify a person, item, or an authorization, since the examiner takes Official Notice of the equivalence of a token and a barcode for their use in the art of identifying a person,

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item, or authorization, and the selection of any or all of the known equivalents to a token or barcode would be within the level of ordinary skill in the art.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

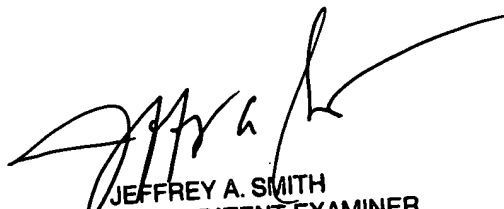
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571.272.6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam Levine
Patent Examiner
April 15, 2007



JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600